

complex issues of the LOAC and its implications for Mr. Hicks case. Moreover, some of the facts and opinions the witness will testify about are in direct contravention of opinions the prosecution has cited in its responses to defense motions. Alternatives to testimony such as written opinions, briefs, telephonic testimony, or affidavits will not be sufficient to adequately convey to the commission the complex concepts of LOAC and its application to Mr. Hicks' continued detention, trial by military commission for certain offenses, the implications of the existence of an armed conflict with al Qaida and/or the Taliban regime and/or its remnants. Moreover, using such alternatives to testimony would deprive the commission of the important opportunity to question Professor Paust regarding the topics on which he would testify, and others topics in to which the commission desired to inquire.

7. Is the witness cumulative with other witnesses: No.

8. Attachments: Mr. Paust's CV is attached.

By: _____
M.D. MORI
Major, U.S. Marine Corps

CURRICULUM VITAE

JORDAN J. PAUST Phone: XXXX
Fax: XXXX
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Education

University of California at Los Angeles
A.B. (1965) (History, Honors)
U.C.L.A. Debate Team

University of California at Los Angeles
J.D. (1968)
#1 Torts
#1 Labor Collective Agreements

University of Virginia
LL.M. (1972)

Yale University
J.S.D. Candidate
--Ford Foundation Fellowship, in residence 1973-1975
--Articles Editor, 3 *Yale Studies in World Public Order* (1976-1977),
now *Yale Journal of International Law*

Teaching Positions

Law Foundation Professor, University of Houston Law Center (1996-)
Co-Director, International Law Institute (1997-)
Professor of Law (1979-1996)
Associate Professor of Law (1975-1978)
(teaching: International Law; International Criminal Law; Seminar: Foreign Affairs and the Constitution; Seminar: Human Rights; Seminar: Use of Force, Terrorism, Laws of War). UH Law Alumni Association Faculty Distinction Award (2003)

Edward Ball Eminent Scholar University Chair in International Law, Florida State University College of Law (spring 1997)
(taught: International Law, Human Rights)

Fulbright Professor, University of Salzburg (Austria)
Institut für Völkerrecht und Ausländisches Öffentliches Recht (1978-1979)
(taught: faculty seminar in American Jurisprudence and International Law, attended by international law and philosophy faculty from the Universities of

Salzburg and Graz)

Visiting Associate Professor, Indiana University School of Law (Bloomington)
(1976-1977) (taught: Human Rights, Jurisprudence, Property)

Faculty, International & Comparative Law, United States Dep't of Army JAG
School (Jan. 1969-Jan. 1973) (CPT, U.S. Army)
50th Basic Class (1969)

#1 International & Comparative Law; Commandant's List

Outstanding Educator of America Award (1972)

technical adviser on Dep't of Army films and materials upgrading law of war
training

Mobilization Designee (1973-1975)

Publications

Books

1. J. Paust & A. Blaustein, *War Crimes Jurisdiction and Due Process: A Case Study of Bangladesh* (1974); extracts reprinted at *The Military in American Society--Cases and Materials* 6-17 to 6-21, 6-46 (D. Zillman, A. Blaustein, E. Sherman, *et al.*, eds., Matthew Bender 1978), and 11 *Vanderbilt Journal of Transnational Law* 1-38 (1978), cited in *The Prosecutor v. Dusko Tadic*, No. IT-94-1-T, International Tribunal for the Former Yugoslavia (1995)
2. J. Paust & A. Blaustein, *The Arab Oil Weapon* (Oceana/Sijthoff 1977)
3. editor, Chapter 6, The Law of Armed Conflict, in *The Military in American Society--Cases and Materials* 6-1 to 6-100 (Matthew Bender 1978)
4. class materials for Constitutional Jurisprudence (photo-offset)
5. J. Paust, *International Law as Law of the United States* (Carolina Academic Press, 2 ed. 2003) (1 ed. 1996)
6. J. Paust, M.C. Bassiouni, *et al.*, *International Criminal Law--Cases and Materials* (Carolina Academic Press 1996); *Teachers' Manual* (1997); *International Criminal Law--Cases and Materials* (2 ed. 2000); *Documents Supplement* (2000); *Teachers' Manual* (2001)
7. J. Paust, J. Fitzpatrick, J. Van Dyke, *International Law and Litigation in the U.S.* (West Group, American Casebook Series 2000); *Documents Supplement* (West Group 2000); *Teacher's Manual* (West Group 2000); Updates on Westlaw, TWEN
8. J. Paust, M.C. Bassiouni, *et al.*, *Human Rights Module: Crimes Against Humanity, Genocide, Other Crimes Against Human Rights, and War Crimes* (Carolina Academic Press 2001) (with Documents Section)

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- Review* 138-152 (1971), reprinted at III *The Vietnam War and International Law* 359-378 (ASIL 1972)
2. After My Lai: The Case for War Crime Jurisdiction Over Civilians in Federal District Courts, 50 *Texas Law Review* 6-34 (1971), reprinted at IV *The Vietnam War and International Law* 447-475 (ASIL 1976), cited in *Kadic v. Karadzic*, 70 F.3d 232, 243 (2d Cir. 1995)
 3. My Lai and Vietnam: Norms, Myths and Leader Responsibility, 57 *Military Law Review* 99-187 (1972), cited in *United States v. Calley*, 46 CMR 1131, 1183 (1973); extract reprinted at *The Military in American Society--Cases and Materials* 6-42 to 6-44, 6-70 to 6-73 (Matthew Bender 1978), and Superior Orders and Command Responsibility, in III *International Criminal Law: Enforcement* 73-88 (M.C. Bassiouni ed. 1987), and I *International Criminal Law: Crimes* 223-237 (M.C. Bassiouni ed., 2 ed. 1999)
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83. Rereading the First Amendment in Light of Treaties Proscribing Incitement to Racial Discrimination or Hostility, symposium, 43 *Rutgers Law Review* 565-573 (1991)
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99. Declarations of War and the Peace Power, Chpt. XIV in *International Law as Law of the United States* 439-468 (1996)
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102. Women and International Criminal Law Instruments and Processes, in 2 *Women and International Human Rights Law* 349-372 (Kelly D. Askin & Dorean M. Koenig eds., 2000)
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104. Correspondence, 91 *American Journal of International Law* 90-92 (1997)
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106. See misc. #123
107. "Equal Treaty Rights" Under the Texas Open Forum Act, 60 *Texas Bar Journal* 214-220 (March 1997)
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109. Race-Based Affirmative Action and International Law, 18 *Michigan Journal*

- of International Law* 659-677 (1997)
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 - b. testimony, Colorado House State Affairs Committee, Feb. 13, 1975
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 - f. testimony, Virginia Crime Commission, Dec. 11, 1975
 - g. interviews printed: Wash. Post, Dec. 8, 1974, at B4, reprinted at L.A. Times, Dec. 25, 1974; The National Observer, June 14, 1975, at 1
 - h. adviser on legislative drafts for: California, Colorado, Connecticut, Massachusetts, Michigan, Pennsylvania, U.S. Congress: H.R. 3625 and H.R. 3626 (94th Cong., 1st Sess.)
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13. consultant to NAACP re: Garner v. Memphis Police Dep't, *et al.*, 600 F.2d 52 (6th Cir. 1979), 710 F.2d 240 (1983), *aff'd*, 471 U.S. 1 (1985)
14. consultant, right to submerged transit through international straits, for Senator Goldwater (Sept. 1976)
15. memorandum (on relation of oil weapon, prices and hostilities), Ex Parte: Lock Joint Pipe Co. v. South Africa Ltd., *In re*: Dep't of Water Affairs (Sept. 1976)
16. panel member, International Association of Penal Law, panel on Mercenaries and International Law, at A.A.L.S. Annual Meeting (1976)
17. A Draft International Criminal Code, section on Illegal Weapons (1977), printed at *International Criminal Law, A Draft International Criminal Code* (M.C. Bassiouni ed., Netherlands 1980)

18. consultant to plaintiffs re: Rappenecker, *et al.* v. Sea-Land Service, Inc., No. 691-717, Sup. Ct., San Francisco (1977) (settled for \$388,000)
19. panel member, humanitarian intervention, International Studies Association Annual Meeting (1978)
20. panel member, weapons of dubious legality, 72 *Proceedings, American Society of International Law* 39-46, 48-49 (1978)
21. argued for plaintiffs in *I.A.M. v. O.P.E.C.*, 477 F. Supp. 553 (C.D. Cal. 1979), *aff'd on other gds.*, 649 F.2d 1354 (9th Cir. 1981), *cert. denied*, 454 U.S. 1163 (1982)
22. testimony on Mexican oil spill before U.S. House Committee on Merchant Marine and Fisheries, 96th Cong., 1st Sess. (1979), in Committee Print, Ser. No. 96-19, at 242-258 (1980)
23. consultant to plaintiff re: East Europe Domestic Int'l Sales Corp. v. Terra, 610 F.2d 806 (2d Cir. 1979)
24. filed amicus brief for Human Rights Advocates, Int'l re: Narenji v. Civiletti, 617 F.2d 745 (D.C. Cir. 1979 & 1980), *cert. denied*, 446 U.S. 957 (1980)
25. consultant to plaintiffs in *In re Alien Children Education Litigation*, 501 F. Supp. 544 (S.D. Tex. 1980), companion case of *Doe v. Plyler*, 628 F.2d 448 (1980), *aff'd*, *Plyler v. Doe*, 457 U.S. 202 (1982)
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28. lecture on legal aspects of terrorism, Continuing Education for Law Enforcement, Military and Security Professionals, Houston, Nov. 18, 1980
29. comment, "Foreign Affairs Are Foreign to Me," I.L.A. International Practitioner's Notebook 11 (June 1980)
30. remarks, 75 *Proceedings, American Society of International Law* 20, 97 (1981)
31. paper, Litigating Human Rights Under U.S. Domestic Law, A.B.A. Human Rights panel, Mid-year meeting, Houston (Feb. 8, 1981), printed at 4 *Houston Journal of International Law* 137-148 (1982), and 10 *Human Rights* 40-43, 56 (Winter 1982)
32. panel member, terrorism inside and outside armed conflict, American Branch of the International Law Association (N.Y. City Bar Association 1981)
33. member of panels, National Security Claims and Minority Rights, and International Human Rights in Domestic Courts, Lowenstein Symposium on International Human Rights Law, Yale Law School (Apr. 16-18, 1982)
34. remarks, 76 *Proceedings, American Society of International Law* 263-264, 265 (1982)
35. panel member, Applicability of Humanitarian Law in Internal Conflicts,

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36. consultant, International Human Rights Law Group Brief in the Inter-American Court of Human Rights, *In re* Request for an Advisory Opinion Presented by the Government of Peru (Sept. 1982)
 37. comment, Incorporating Customary International Law in U.S. Jurisprudence, I.L.A. International Practitioner's Notebook 18-19 (Jan. 1983)
 38. panel-workshop, Customary Norms Reflected in the 1977 Protocols to the Geneva Conventions, regional meeting of the American Society of International Law, Hawaii (Feb. 16-17, 1983)
 39. reporter, Int'l Law Assoc. Committee on Armed Conflict, draft report on the question of nuclear weapons (1983)
 40. panel member, The Control of Violence in a Lebanese Context, 77 *Proceedings, American Society of International Law* 186-189, 191 (1983); remarks, *id.* at 345, 406
 41. comment, When Customary International Law Clashes With a Domestic Statute, I.L.A. International Practitioner's Notebook 10-12 (July 1983)
 42. speech, Application of International Human Rights Standards by United States Courts, A.A.L.L. Institute on International Law and Business, University of Texas (June 22, 1983), printed at 76 *Law Library Journal* 496-502 (1983)
 43. paper, The Incorporation of Human Rights into Domestic Law, 11th World Congress on Philosophy of Law and Social Philosophy, Helsinki, Finland (Aug. 15-19, 1983), printed at *Rechtstheorie--Juristische Logik, Rationalitat und Irrationalitat im Recht* 367-374 (Verlag Duncker & Humblot, Berlin 1985)
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 45. panel member, The United Nations Charter and the Use of Force: Is Article 2(4) Still Workable?, 78 *Proceedings, American Society of International Law* 92-94 (1984); remarks, *id.* at 102, 106-107, 360-361
 46. consultant to plaintiffs in *Siderman v. Republic of Argentina*, U.S. Dist. Ct., C.D. Cal. 1985
 47. help to plaintiffs in: *Tel-Oren v. Libyan Arab Republic*, *cert. denied*, 469 U.S. 811 (1985); *Jean v. Nelson*, 472 U.S. 846 (1985); *Handel v. Artukovic*, 601 F. Supp. 1421 (C.D.Cal. 1985)
 48. panel member, Jurisdiction in Human Rights Cases, 79 *Proceedings, American Society of International Law* 362-366, 374, 375, 378 (1985); remarks, *id.* at 32, 123-124
 49. paper, The Illegality of Apartheid and the Present Government of South Africa, A.B.A. Seminar on the Legal Aspects of Apartheid, annual meeting

- of the A.B.A., Washington, D.C. (July 6-7, 1985), printed at 131 *Congressional Record*, no. 166, at S16855-S16857 (Dec. 4, 1985), extract reprinted at 11 *International Law Perspective*, no. 11, at 11-12 (Nov. 1985)
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 51. panel member, Deterrence, Defense or Demilitarization, U of H International Year of Peace Symposium (Feb. 27, 1986)
 52. chair, panel on Forty Years After Nuremberg and the Tokyo Tribunals; chair, panel on Human Rights: the 1966 Covenants Twenty Years Later, 80 *Proceedings, American Society of International Law* 56-7, 408 (1986); panel member, Permissible Measures and Obligations for Outside States and Internal Peoples Toward Minority Rule in South Africa, *id.* at 318-20, 323-25; remarks, *id.* at 68, 72, 230-31, 306, 425-26
 53. participant, International Legal Conference on Anti-Semitism, Anti-Zionism and the United Nations, New York University School of Law, April 13-15, 1986
 54. panel member, paper, Responding Lawfully to International Terrorism: The Use of Force Abroad, regional meeting of the American Society of International Law, Whittier College of Law, April 18, 1986, printed at 8 *Whittier Law Review* 711-733 (1986)
 55. dinner speech, The Link Between Human Rights and Terrorism and Its Implications Concerning the Law of State Responsibility, Conference on Human Rights and Terrorism, regional meeting of the American Society of International Law, University of Southern California Law Center, March 20, 1987, printed at 11 *Hastings International and Comparative Law Review* 41-54 (1987)
 56. paper, Extradition and United States Prosecution of the *Achille Lauro* Hostage-Takers: Navigating the Hazards, Conference on State-Sponsored International Terrorism, regional meeting of the American Society of International Law, Vanderbilt University School of Law, March 27, 1987, printed at 20 *Vanderbilt Journal of Transnational Law* 235-257 (1987); remarks, *id.* at 346-48, 354, 357-60, 362-63
 57. chair and paper, Conference on Terrorism and the Law: Protecting Americans Abroad, University of Connecticut School of Law, April 8, 1987, An Introduction to and Commentary on Terrorism and the Law, printed at 19 *Connecticut Law Review* 697-749 (1987), extract reprinted at *International Law Anthology* 243 (A. D'Amato ed. 1994)
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- 39-40, 404
59. foreword, in *Research Methods of International Custom in States' Practice* (D. Wade ed. 1987)
60. human rights classes for Central American refugees at CARECEN, Houston, Texas, June 16 & 23, 1987
61. help to plaintiffs in *DeNegri v. Republic of Chile*, Civ. No. 86-3085 (D.D.C. 1987)
62. affidavit filed in *Aidi v. Yaron*, 672 F. Supp. 516 (D.D.C. 1987), addressed *id.* at 519 n.4, reprinted at 5 *The Palestine Yearbook of International Law* 277-286 (1989)
63. help to plaintiffs in *Forti v. Suarez-Mason*, 672 F. Supp. 1531 (N.D. Cal. 1987)
64. national report, "Incorporating Human Rights Into Domestic Constitutional Law," presented at Second World Congress, International Association of Constitutional Law, Paris & Aix-en-Provence, France, Aug. 31 - Sept. 5, 1987
65. class on nature and sources of international law at University of St. Thomas, Houston, Texas, Sept. 17, 1987
66. panel member, The U.S. Constitution and Human Rights, Amnesty International-University of Houston Human Rights Week, University of Houston, Sept. 30, 1987
67. chair, panel on the Bork nomination, University of Houston Law Center, October 6, 1987
68. prepared draft petition for World Habeas Corpus to the U.N. Commission on Human Rights with respect to political prisoners in South Africa
69. panel member, Extraterritorial Jurisdiction Over Persecutors, Third Annual International Conference on Holocaust and Human Rights Law, Boston College Law School, April 11, 1988, printed at "Universality and the Responsibility to Enforce International Criminal Law: No U.S. Sanctuary for Alleged Nazi War Criminals," 11 *Houston Journal of International Law* 337-344 (1989)
70. panel member, History of International Law, 82 *Proceedings, American Society of International Law* 26-30, 39-40 (1988); remarks, *id.* at 394, 475-476
71. advice and commentary on portions of the Draft Convention on the Rights of the Child, "Human Dignity, Remedies, and Limitations in the Convention," in *Independent Commentary: United Nations Convention on the Rights of the Child* 54-56 (C. Cohen ed. 1988), reprinted at 7 *New York Law School Journal of Human Rights* 116-122 (1989)
72. affidavit filed in 1988 in *Linder, et al. v. Calero Portocarrero, et al.*, 747 F. Supp. 1452 (S.D. Fla. 1990)
73. panel member, International Law Section, panel on Human Rights and U.S. Foreign Policy, at A.A.L.S. Annual Meeting (1989), printed at "In the Name of Foreign Affairs," I.L.A. International Practitioner's Notebook 13-16

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74. panel member, Genocide: The Convention, Domestic Laws and State Responsibility, 83 *Proceedings, American Society of International Law* 316-320, 329-332 (1989)
 75. member, Mission of the International Commission of Jurists (Geneva) to Study the Military Justice System in the West Bank and Gaza (June 25-July 9, 1989), Report printed by the I.C.J. (Geneva 1989), reprinted at 14 *Hastings International and Comparative Law Review* 1-66 (1990)
 76. panel member, The Role of International Law and Supervision in Strengthening Democratic Transitions, regional meeting of the American Society of International Law, Washington College of Law, American University, March 9, 1990, printed at "International Legal Standards Concerning the Legitimacy of Governmental Power," 5 *The American University Journal of International Law and Policy* 1063-1068 (1990)
 77. chair, panel, Self-Determination and Intervention in Panama; chair, panel, Extraterritorial Law Enforcement and the "Receipt" and Trial of Noriega: Toscanino and Beyond, 84 *Proceedings, American Society of International Law* 182, 236 (1990) (on CSPAN)
 78. comment, Food As A Weapon, I.L.A. International Practitioner's Notebook 22 (Feb. 1991)
 79. panel member, Special Capitol Hill Session on "The Gulf War: Collective Security, War Powers and Laws of War"; panel member, "Rights of Self-Determination of Peoples in Established States: Southern Africa and the Middle East," 85 *Proceedings, American Society of International Law* 13-16, 19-23, 25-26, 28-29, 551-553, 555-556, 560 (1991); remarks, *id.* at 100-101, 208-209
 80. concurring and dissenting paper on the Universal Declaration of Human Rights, Human Rights Committee, in *Proceedings and Committee Reports of the American Branch of the I.L.A.* 92-95 (1991-1992)
 81. panel member, "Democracy and Legitimacy: Is There an Emerging Duty to Ensure a Democratic Government in General or Customary International Law?," Joint Conference of the American Society of International Law/Nederlandse Vereniging voor International Recht (July 4-6, 1991, The Hague), printed at *Contemporary International Law Issues: Sharing Pan-European and American Perspectives* 126-130, 139, 140, 178-179 (Holland 1991)
 82. paper, "Interpreting Our Constitution," annual meeting of the Policy Sciences Center at Yale Law School (Oct. 18-20, 1991)
 83. chair, panel, After the Gulf War: Critical Issues Regarding International Criminal Law, Human Rights and Peace, at A.A.L.S. Annual Meeting (1992)
 84. panel member, "International War Crimes & the Gulf War"; panel member, "Should/Can the U.S. Prosecute Nazi and Future War Criminals?"; panel member, "Can the United States Assert Extraterritorial Jurisdiction Over

- Terrorists and Drug Traffickers?," ILSA Regional Meeting, Albany Law School, February 27-28, 1992 (on CSPAN)
85. participant (with prepared commentary) in the working group, International Association of Penal Law & International Scientific and Professional Advisory Council of the Crime Prevention and Criminal Justice Branch of the United Nations meeting with certain members of the U.N. International Law Commission on the I.L.C.'s Draft Code of Crimes Against the Peace and Security of Mankind and an International Criminal Court, Courmayeur, Italy, March 25-28, 1992
 86. panel member, International Human Rights in American Courts, 86 *Proceedings, American Society of International Law* 325-28, 347, 348 (1992); remarks, *id.* at 131-32, 602
 87. participant in human rights class for lawyers and paralegals at CARECEN, Houston, in connection with their investigative mission to El Salvador in May, 1992, as part of a U.N. inquiry into human rights violations
 88. lecture on human rights and U.S. law to U.S. Dep't of Justice I.N.S. class for Asylum Trainees, Dallas, Texas, May 5, 1992
 89. participant and Rapporteur for the Session on the Legal Dimension, World Conference on the Establishment of an International Criminal Tribunal to Enforce International Criminal Law and Human Rights, Siracusa, Italy (Dec. 2-5, 1992), a Satellite Conference to the 1993 U.N. World Human Rights Conference
 90. entry on "Mayaguez: Capture," in *Encyclopedia of the American Presidency* (L. Levy & L. Fisher eds., Simon & Schuster 1993)
 91. chair, panel, Litigating and Judging International Law Claims in the 1990s, at A.A.L.S. Annual Meeting (1993)
 92. panel member, DePaul College of Law, February 25, 1993, printed at "Avoiding 'Fraudulent' Executive Policy: Analysis of Non-Self-Execution of the Covenant on Civil and Political Rights," 42 *DePaul Law Review* 1257-1285 (1993)
 93. Reporter, The U.S. Constitution and Judicial Competence to Incorporate International Law, in American Branch of the I.L.A. Report of the Committee on International Law in Domestic Courts (1993)
 94. panel member, UHLC Federalist Society panel on the Convention on the Elimination of All Forms of Discrimination Against Women, University of Houston, March 10, 1993
 95. panel member, St. John's School of Law, March 12, 1993, printed at "After Alvarez-Machain: Abductions, Standing, Denials of Justice, and Unaddressed Human Rights Claims," 67 *St. John's Law Review* 551-580 (1993)
 96. panel member, Perspectives on War Crimes in Yugoslavia, Marshall-Wythe School of Law, William and Mary, March 30, 1993
 97. panel member, An Overview of Applicable Legal Systems: International Criminal Law, Humanitarian Law and Human Rights Law, The Eleanor

- Roosevelt Institute for Justice and Peace Workshop on Yugoslavia and Beyond, April 3, 1993, regional meeting of the American Society of International Law in Washington, D.C., printed at "Applicability of International Criminal Laws to Events in the Former Yugoslavia," 9 *The American University Journal of International Law and Policy* 499-523 (1994)
98. remarks, 87 *Proceedings, American Society of International Law* 222, 243-44 (1993)
 99. Reporter, Resolution on Congressional Legislation Concerning Transnational Abductions, American Branch of the I.L.A., Human Rights Committee, June 8, 1993, printed at *Proceedings, American Branch of the I.L.A.* 65-66 (1993-1994)
 100. speech on Sovereign Immunity at I.C.A. Certification Course for International Arbitrators, Houston, June 12, 1993
 101. speech on State Sponsored Abductions for Trial, during a conference at the Permanent Mission of Mexico to the United Nations, June 24, 1993, cosponsored by the New York Regional Committee of the ASIL, with a draft Declaration on Principles of International Law Concerning State Sponsored Abductions (draft printed at 67 *St. John's Law Review* 579-580 (1993))
 102. affidavit filed in Jane Doe I & Jane Doe II v. Radovan Karadzic, (S.D.N.Y. 1993)
 103. "Response to President's Notes on Missile Attack on Baghdad," ASIL Newsletter, Sept. - Oct. 1993, at 4
 104. an Advocate and Counsel for Applicant in Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), International Court of Justice (1993-1994)
 105. commentary prepared for Senator Christopher Dodd on the U.N. Draft Statute for an International Criminal Tribunal (Nov. 1993), printed at 140 *Congressional Record* No. 2, at S107-S109 (Jan. 26, 1994)
 106. panel member, The Significance and Determination of Customary International Human Rights Law, University of Georgia School of Law, March 4, 1994, printed at "The Complex Nature, Sources and Evidences of Customary Human Rights," 25 *Georgia Journal of International and Comparative Law* 147-164 (1995/96)
 107. paper, "Peace-Making and Security Council Powers: Bosnia-Herzegovina Raises International and Constitutional Questions," presented at Conference on the U.S. Role in U.N. Peacekeeping Missions, Southern Illinois University School of Law, March 25, 1994, printed at 19 *Southern Illinois University Law Journal* 131-151 (1994)
 108. panel member, Prosecuting and Defending Violations of Genocide and Humanitarian Law: The International Tribunal for the Former Yugoslavia, 88 *Proceedings, American Society of International Law* 241-243, 254-255, 257 (1994); remarks, *id.* at 172, 347, 437, 481
 109. participant on InterAmicus brief before the Supreme Court of Canada on a

- rehearing of Her Majesty the Queen v. Imre Finta (1994)
110. expert testimony before Canadian Immigration and Refugee Board re: *In re* Mahmoud M. Isa Mohammed, June 30, 1994, Toronto
111. help to plaintiffs in *Smith v. The Socialist People's Libyan Arab Jamahiriya, et al.*, C.A. No. 93-2568 (D.D.C.)
112. prepared Law Professors' Amici Brief in *Kadic, et al. v. Karadzic*, No. 94-9069 (2d Cir. 1994) (70 F.3d 232 (2d Cir. 1995), *cert. denied*, 518 U.S. 1005 (1996))
113. participated in Law Professors' Amici Brief on petition for a Writ of Certiorari in *Princz v. Federal Republic of Germany*, No. 94-909 (1994)
114. panel member, The Role of the United Nations in the Maintenance of Peace, University of Georgia School of Law, March 3, 1995, printed at "U.N. Peace and Security Powers and Related Presidential Powers," 26 *Georgia Journal of International and Comparative Law* 15-28 (1996)
115. panel member, 1945-1995: Critical Perspectives on the Nuremberg Trials and State Accountability, New York Law School, April 4, 1995, printed at "Threats to Accountability After Nuremberg: Crimes Against Humanity, Leader Responsibility and National Fora," 12 *New York Law School Journal of Human Rights* 547-569 (1995), cited in *The Prosecutor v. Akayesu*, ICTR-96-4-T (2 Sept. 1998), at para. 566
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118. expert testimony in the Federal Court of Canada, In the Matter of M. Suresh, DES-3-95, March 19, 1996, Toronto
119. remarks, 90 *Proceedings, American Society of International Law* 273, 544, 611 (1996)
120. visiting lectures on international law and the domestic legal process at the Mexican Ministry of Foreign Relations (Polanco and Tlatelolco), the Instituto Matias Romero de Estudios Diplomaticos, and the Universidad Nacional Autonoma de Mexico, Mexico City, May 20-21, 1996
121. presentations on international criminal law, Institute of the American Association of Law Libraries, Contemporary Practice of Public International Law, Indiana University, Bloomington, July 18, 1996, paper, International Criminal Law: Introductory Themes, in *Contemporary Practice of Public International Law* 165-188 (E.G. Schaffer & R. Snyder eds. 1997)
122. chair, panel, International Human Rights and Humanitarian Law After Bosnia, annual meeting of the International Law Association, New York, Nov.1, 1996
123. paper, "It's No Defense: *Nullum Crimen*, International Crime and the Gingerbread Man," Albany Law School, November 7, 1996, printed at 60

- Albany Law Review* 657-679 (1997), extract reprinted at *The International Criminal Court*, 13 *Nouvelles Etudes Penales* 275-288 (1997) and 25 *Denver Journal of International Law and Policy* 321-332 (1997)
124. chair, panel, Effectuating International Criminal Law through International and Domestic Fora: Realities, Needs and Prospects, annual meeting of the American Society of International Law, April 11, 1997, printed at 91 *Proceedings, American Society of International Law* 259 (1997)
 125. paper, "Domestic Influence of the International Court of Justice," University of Denver College of Law, April 19, 1997, printed at 26 *Denver Journal of International Law and Policy* 787-805 (1999)
 126. organized special networking session on Affirmative Action, International Law and Law School Admissions, annual meeting of the Association of American Law Schools, Jan. 9, 1998
 127. affidavit filed in *United States v. Corey*, Cr. No. 96-01019 DAE (D. Haw. 1998)
 128. affidavit filed in *United States v. Haywood*, No. 97-945-CR-MOORE (S.D. Fla. 1998)
 129. moderator, Third Annual Houston Law Review Frankel Lecture panel on Obedience to International Law, April 9, 1998
 130. panel member, paper, "The Permissibility of Affirmative Action in Higher Education Under Human Rights Law," CUNY School of Law, May 2, 1998, printed at 3 *New York City Law Review* 91-103 (1998)
 131. revised the Am. Branch, I.L.A. Committee on a Permanent International Criminal Court Draft Statute for the ICC sections on crimes, leader responsibility, and superior orders (May 1998), printed at 13 *ter Nouvelles Etudes Penales* 4-24 (1998)
 132. prepared portions of plaintiffs'-respondents' brief in *Dubai Petroleum Company, et al. v. Kazi, et al.*, before the Texas Supreme Court (May 18, 1998), and argued before the Court, Sept. 10, 1998—8-0 decision reported at 12 S.W.3d 71 (Tex. 2000)
 133. panel member and moderator, panels on International Humanitarian Law, Third Pan-European International Relations Conference and Meeting with the International Studies Association, Vienna, Austria, Sept. 18-19, 1998; "Crimes Within the Limited Jurisdiction of the International Criminal Court," printed at *International Humanitarian Law: Origins and Prospects* (J. Carey & R.J. Pritchard eds. 2002)
 134. speech, Human Rights Treaties in the U.S., UNA-USA United Nations Day celebration, Oct. 24, 1998, Albuquerque, New Mexico
 135. speech, Use of the U.N. Charter, the Universal Declaration, and Human Rights Treaties as Law of the United States, UNA-USA and Southern Illinois University U.N. Day celebration, Nov. 2, 1998
 136. chair, panel, The 50th Anniversary of the Genocide Convention, annual meeting of the American Branch of the International Law Association, New York, Nov. 14, 1998

137. United Nations Consultative Expert Group meeting on International Norms and Standards Relating to Disability, U.C. Berkeley School of Law, Dec. 8-12, 1998; Report of the Expert Group located at www.un.org/esa/socdev/disberk0.htm
138. moderator, Coif Lecture and Conference on Legal Responses to International Terrorism, University of Houston, March 12, 1999
139. speech, Incorporation of International Law, Cornell Law School, March 16, 1999
140. panel member, International Criminal Court: Views from Rome, annual meeting of the American Society of International Law, March 25, 1999, remarks in 93 *Proceedings, American Society of International Law* 73-74 (1999)
141. short essay, NATO's Use of Force in Yugoslavia, 33 *U.N. Law Reports* no. 9, at 114-16 (J. Carey ed. May 1999), also at 2 Translex, Transnational Law Exchange, special supp. 2-3 (May 1999)
142. participant re: Report on Proposed Guiding Principles for Combating Impunity for International Crimes (1999)
143. participant in creation of Draft Provisions for an International Protocol on Rights of Persons With Disabilities, Human Rights Committee, American Branch, International Law Association, June 1999–revised as Draft Convention on Rights of Persons With Disabilities, March, 2000
144. speaker, laws of armed conflict, genocide, and Kosovo, American Red Cross, Austin, Texas, May 24, 1999
145. panel member, United Nations International Meeting on the Convening of a Conference on Measures to Enforce the Geneva Conventions in the Occupied Palestinian Territory, Cairo, Egypt, June 14-15, 1999; paper “Applicability of Geneva Law and Other Laws of Armed Conflict to Protection of Civilians in the West Bank, Gaza and East Jerusalem,” extracts printed in UN Press Release GA/PAL/806 (June 1999) and 33 *U.N. Law Reports* no. 11, at 163-164 (1 July 1999)
146. lectures and seminar, Protection of Civilians in Times of Armed Conflict, 27th Annual Session: The Law of Armed Conflict, Institute of International Public Law and International Relations, at Aristotle University, Thessaloniki, Greece, Sept. 13-17, 1999, to be printed in the Institute's *Thesaurus Acroasium* (2000); speech on NATO and Intervention in Kosovo, at the U.S. Consulate, Thessaloniki, Greece, Sept. 16, 1999
147. guest editorial, Questions Concerning the Final Report to the Prosecutor Regarding NATO Bombings, 34 *U.N. Law Reports* no. 11, at 132-134 (1 July 2000)
148. keynote speech, International Law as Law of the United States: Trends and Prospects, Japanese American Society for Legal Studies symposium, Sept. 17, 2000, University of Tokyo, Japan, printed in Japanese at *Journal of the Japanese American Society for Legal Studies* 13-38 (2001), reprinted in English at 2 *Chinese Journal of International Law* 615-646 (2002)
149. speech, Problematic U.S. Sanctions Efforts in Response to Genocide, Crimes Against Humanity, War Crimes, and Other Human Rights Violations, Sept. 18, 2000, Waseda University, Japan, printed at 3 (2000) *Waseda Proceedings of Comparative Law* 95-119 (2001)
150. speech, Sept. 22, 2000, Law Faculty Colloquium, University of Tokyo, Japan
151. panel member, Economic and International Institutions, and discussion leader, AALS Workshop on Human Rights, Washington, D.C., Oct. 28, 2000
152. paper, Universal Jurisdiction, Universal Responsibility, and Related Principles of International Law, Princeton Project on Universal Jurisdiction, Princeton University, Nov. 9-

- 11, 2000, printed at (Princeton University Press 2001)
153. key note speech, U.S. Dep't of State sponsored conference with the Iraqi National Congress on Transitional Justice and the Practical Application of Human Rights Advocacy in Iraq, London, England, March 23-24, 2001
154. panel member, The U.S. Lawyer-Statesman at Times of Crisis: Francis Lieber, and panel member, Universal Jurisdiction Under International Criminal Law: Trends and Prospects, annual meeting of the American Society of International Law, Washington, D.C., April 6-7, 2001, first paper printed at 95 *Proceedings, American Society of International Law* 112-115 (2001)
155. panel member, Transnational Corporations and Human Rights in Africa, A.B.A. Section of International Law and Practice meeting, Washington, D.C., April 27, 2001
156. panel member, Addressing Violations of International Law by Non-State Actors, annual meeting of the American Branch of the International Law Association, New York, Oct. 27, 2001; paper "Sanctions Against Non-State Actors for Violations of International Law," printed at 8 *ILSA Journal of International & Comparative Law* 417-429 (2002)
157. panel member, paper, "The Right to Life in Human Rights Law and the Law of War," University of Saskatchewan College of Law, Nov. 3, 2001, printed at 65 *Saskatchewan Law Review* 411-425 (2002)
158. presenter, National Workshop for District Judges II, sponsored by the Federal Judicial Center, San Diego, California, Dec. 3-5, 2001
159. panel member, Use of Force in the Aftermath of September 11th, Cornell Law School, Feb. 14, 2002; paper "Use of Armed Force Against Terrorists in Afghanistan, Iraq, and Beyond," printed at 35 *Cornell International Law Journal* 533-557 (2002)
160. panel member, Inside the International Criminal Court, University of Houston Law Center, Feb. 22, 2002
161. panel member, The Definition of Aggression and the ICC, and moderator, panel on The Judicial Response to Terror, annual meeting of the American Society of International Law, Washington, D.C., March 15, 2002, remarks printed at 96 *Proceedings, American Society of International Law* 190-92, 250 (2002)
162. speech on antiterrorism military commissions, Penn State University Dickinson School of Law, March 28, 2002
163. prepared Memorandum *Amicus Curiae* of Law Professors in United States v. John Walker Lindh, 212 F. Supp.2d 541 (E.D. Va. 2002)
164. affidavit filed in Jane Doe I, Jane Doe II, Petit, *et al.* v. Liu Qi, *et al.*, F. Supp.2d (N.D. Cal. 2002)
165. affidavit prepared in People of the State of California v. Romero Vasquez, Sup. Ct., Santa Barbara, July 2002
166. participated in *Amici* brief, Habib v. Bush (No. 02-5284), decided with Odah v. United States, 321 F.3d 1134 (D.C. Cir. 2003)
167. lecture, Use of Military Force Against Iraq, Coférence D'Actualité, University of Paris X, France, Nov. 12, 2002
168. panel member, Detention and Due Process Under International Law, Conference on Terrorism and the Military: International Legal Implications, Societe Internationale de Droit Militaire et de Droit de la Guerre, sponsored by the Netherlands Ministry of Defense, The Hague, Netherlands, Nov. 14-15, 2002, paper printed at Terrorism and the Military: International Legal Implications 181-196 (W.P. Heere ed. 2003)
169. co-speaker, Civil Liberties: From Nuremberg to Houston, Holocaust Museum Houston, Nov. 19, 2002
170. panel member, 9-11 and Its Aftermath, International Law Weekend West, at Loyola Law School, Los Angeles, Feb. 7, 2003
171. panel member, symposium on The Judiciary and the War on Terror, at Tulane University School of Law, Feb. 21, 2003
172. presenter, CLE program of the Louisiana Trial Lawyers Association on 9/11: the War at

- Home, Civil Rights and Civil Liberties in the U.S. Post 9/11, at Loyola University School of Law, Mar. 21, 2003
173. panel member, Legal Responses to Terrorism: Security, Prosecution and Rights, annual meeting of the American Society of International Law, Apr. 3, 2003, paper "Detention, Judicial Review of Detention, and Due Process During Prosecution, 97 *Proceedings, American Society of International Law* 13-18 (2003)
 174. prepared Memorandum *Amicus Curiae* of Law Professors in *Padilla v. Rumsfeld*, Second Circuit Court of Appeals (July 2003)
 175. panel member, International Terrorism and International and European Criminal Law, Hague Joint Conference on Contemporary Issues of International Law - 2003, The Hague, Netherlands, Jul. 5, 2003; paper, "International Law Concerning Domestic Prosecutions of al Qaeda Attacks," *From Government to Governance* 360-369 (2003)
 176. panel member, International Conference on the United Nations and Taiwan, New York, N.Y., Sept. 5, 2003, paper, "U.N. Principles in Theory and Practice: Time for Taiwanese Self-Determination to Ripen into More Widely Recognized Statehood Status and Membership in the U.N.?", to be printed in a book
 177. panel member, International Criminal Justice and Asia, Japanese Society of International Law International Symposium, Unity in Diversity: Asian Perspectives on International Law in the 21st Century, Nagoya, Japan, Oct. 11-12, 2003, paper, "U.S. Schizophrenia With Respect to Prosecution of Core International Crimes," to be published in a book; updated version at *Japanese Society of International Law Journal* (2004)
 178. panel member, History of International Tribunals, ILSA Conference on International Criminal Law: The Expansion of Individual Rights and Responsibilities for Human Rights Violations, Loyola Law School, New Orleans, Oct. 18, 2003, paper, "Selective History of International Tribunals and Efforts Prior to Nuremberg," printed in 10 *ILSA Journal of International & Comparative Law* 207-213 (2004)
 179. panel member, Civil Liberties and the War on Terrorism, Conference on International Justice, Wayne State University Law School, Oct. 27, 2003, paper, "After 9/11, 'No Neutral Ground' With Respect to Human Rights: Executive Claims and Actions of Special Concern and International Law Regarding the Disappearance of Detainees," to be printed in 50 *Wayne Law Review* (2004)
 180. panel member, International Law panel, Symposium: Do We Need a New Legal Regime After September 11th?, University of Notre Dame Law School, Dec. 5, 2003, paper "Post 9/11 Overreaction and Fallacies Regarding War and Defense, Guantanamo, the Status of Persons, Treatment, Judicial Review of Detention, and Due Process in Military Commissions," to be printed in 79 *Notre Dame Law Review* 1335-1364 (2004)
 181. panel member, panel on Contemporary Trends in International Human Rights, and Implementation of Human Rights Domestically, International Human Rights Roundtable, Taipei, Taiwan, Dec. 10, 2003, and suggestions concerning the draft Human Rights Act and the laws concerning Taiwan's Human Rights Commission; meeting with President Chen Dec. 11, 2003
 182. panel member, The New Architecture of International Law After Iraq, annual meeting of the Association of American Law Schools, Atlanta, Georgia, Jan. 4, 2004, paper "The U.S. as Occupying Power Over Portions of Iraq and Special Responsibilities," printed in 27 *Suffolk Transnational Law Review* 1 (2004)
 183. panel member, International Tort Litigation, International Law Section of the State Bar of Texas, Feb. 27, 2004
 184. moderator, Conference on Civil Litigation of International Law Violations in U.S. Courts, University of Houston Law Center, Mar. 1, 2004
 185. panel member, Non-State Actors and the Contemporary Legal Order, University of Michigan Law School, Mar. 20, 2004, paper "The Reality of Private Rights, Duties, and Participation

- in the International Legal Process" to be printed in 25 *Michigan Journal of International Law* (2004)
186. helped prepare Brief of *Amici Curiae* International Law Professors in Hamdi v. Rumsfeld, Supreme Court of the United States, Feb. 23, 2004
 187. prepared Brief of *Amici Curiae* International Law Professors in Rumsfeld v. Padilla, Supreme Court of the United States, April 2004
 188. on-line essay "Abuse of Iraqi Detainees at Abu Ghraib: Will Prosecution and Cashiering of a Few Soldiers Comply with International Law?," available at <http://jurist.law.pitt.edu/forum/paust1.php> and reprinted on-line at www.nimj.org/commentary
 189. on-line essay "The Common Plan to Violate the Geneva Conventions," available at <http://jurist.law.pitt.edu/forum/paust2.php>
 190. panel member, Terrorism as an International Crime, Conference on International Cooperation and Counterterrorism, Universita Degli Studi di Trento, Italy, May 27-28, 2004
 191. panel member, Military Commissions, Conference on International Law Challenges: Homeland Security and Combating Terrorism, U.S. Naval War College, June 24, 2004

Other Activities

Fulbright lectures, University of Leiden, the Netherlands, June 12-13, 1979
 Fulbright lectures, University of Florence, Italy, March 26-27, 1979
 Faculty Advisor, *Houston Journal of International Law* (since its inception, 1978 -)
 Board of Editors, on-line International Law Journal (2003-)
 Board of Advisors, *Austrian Journal of Public and International Law* (1990 -)
 U.S. Dep't of State Scholar-Diplomat Seminars (1973 & 1975)
 National War College Conference on the Law of War (Dec. 1974)
 Judge, 1972, 1978, 1980, 1981, 1985 ASIL Regional Jessup International Moot Court; Memorial Judge, 1986 ASIL Jessup Regional International Moot Court; Judge, 1996 ASIL Quarterfinals; Judge, 1998 ASIL rounds and Quarterfinals; Judge, 2001 ASIL Regional International Moot Court, final round; Judge, 2001 ASIL World final round; Judge, 2002 ASIL Regional International Moot Court, final round; Judge, 2003 ASIL Regional International Moot Court, final round; Judge, 2004 ASIL Regional International Moot Court, final round
 Research and writing for J.L. Paust & R. Upp, *Business Law* (West Publishing, 1st ed. 1969) (in 4th ed. 1984)
 Interviews: several local, national, and international television (including CNN, CNN Int'l), radio (including NPR), and newspaper interviews over the years

Summer Teaching:

University of Houston (1978) (1980) (1982) (1986)
 International Legal Studies, Salzburg, Austria (1979)

Other Teaching:

International Legal Studies, Salzburg, Austria (1978)
 (short course on U.S. Contracts Law for European attorneys)
 guest lectures, UH Graduate School of Social Work (1994, 1995)

Faculty Committees:

Graduate Legal Studies (1995-1996, 1997-), Chair (2001- 2003); Promotion and Tenure (2003 -); Faculty Appointments (2001-); Executive Committee (1998-2000); Library (2000-2001); Admissions (1996); Promotion & Tenure (1994-1995); Faculty Development (1993-1994); Educational Policies Committee (1994); Self-Study (1991-1992); Chair Subcommittee, Personnel (1990-1992); First Year (1991-1993); Admissions (1987-1991); Graduate Studies

(1987-1988); Leave Committee (1989-1990); Curriculum (1985-1986); Self-Study & Planning (1985-1986 & 1991-1992); Personnel (1983-1985); Promotion & Tenure (1981-1983); previously: Curriculum; Chair, Library; Chair, Library-sub-committee on faculty teaching and research

University Faculty Senate (1994); University Limited Grants Committee (1993-1994); University Research Council (1983-1986)

Co-Director, International Law Institute

Member:

American Society of International Law

Executive (President's) Committee (1990-1991)

Executive Council (1989-1992)

Organizing Committee: Joint Conference of the ASIL and the Netherlands Society of International Law (1991)

Annual Meeting Program Committee (1985-1986, 1989)

Program Chair (1988-1989)

Human Rights Advocacy Interest Group (founding member, 1985-)

International Criminal Law Interest Group (founding member, 1992-)
Co-Chair (1992-)

Lieber Society on the Law of Armed Conflict

Executive Committee (2004-)

Working Group on International Terrorism (1975-1977)

American Branch, International Law Association

Working Group on U.S. Ratification of Geneva Weapons Protocol (1980-1982)

Working Group on U.S. Ratification of Geneva Protocols (1979-1980)

Committee on Human Rights (1983-)

Committee on International Law in Domestic Courts (1992-1999)

Committee on a Permanent International Criminal Court (1996-1999)

Committee on International Terrorism (1983-1990)

Committee on Armed Conflict (1978-1983)

American Bar Association, Section on International Law

Committee on International Law and the Use of Force (1975-1978)

Chair (1975-1978)

Human Rights Committee (1974)

Task Force on Teaching International Criminal Law (1993-1994)

Task Force on Proposed Protocols of Evidence and Procedure for Future War
Crimes Tribunals (1994-1996)

American Section, Association Internationale de Droit Penal

Board of Director (1993-)

Association of American Law Schools

Chair, Section on International Law (1991-1993)

Chair-elect, Section on International Law (1990)

Secretary, Section on International Law (1989)

executive committee, Section on International Law (1982-1985, 1987, 2001, 2003, 2004)
nominating committee, Section on International Law (1980)
Center for Human Rights and Constitutional Law
Legal Advisory Committee, South Africa Constitution
Watch Commission (1991-1992)
Human Rights Advocates, International, Board of Directors (1979-)
Human Rights Law Group
Co-Director, Houston Affiliate (1980-1984)
Independent Commission on Respect for International Law (1985-1988)
Legal Scholars for Human Rights (Venice, Italy)
Advisory Board
Transnational Publishers Advisory Board for the International and Comparative Law Series (2000-)
United Nations Association-USA
Board of Directors, Houston Chapter (1978-1981)
adviser on Houston Area Model U.N. I.C.J. program for high school students (since its inception, 1980-1995) and resource speaker most years

International Arbitrator

Panel Member, International Centers for Arbitration
I.C.A. Certification Course for International Arbitrators (May-June 1993)

Admitted to the Bar

Supreme Court of California (1969)
Federal District Court, Central District of California (1969)
United States Court of Military Appeals (1969)
United States Court of Appeals for the District of Columbia (1980)
United States Court of Appeals for the Fifth Circuit (1998)
United States Court of Appeals for the Seventh Circuit (2003)
United States Supreme Court (1980)
International Court of Justice (1994) (see misc. #104)

From: XXXX CIV (L)

Sent: Thursday, October 28, 2004 1:54 PM

To: 'Mori, Michael, MAJ, DoD OGC'; Swann, Robert, COL, DoD OGC; XXXX, LtCol, DoD OGC; Will Col DoD OGC Gunn (Gunn, Will, Col, DoD OGC); XXXX; XXXX; XXXX, COL, DoD OGC; XXXX, MSG, DoD OGC (XXXX); Lippert, Jeffery MAJ Bamberg Law Center; XXXX, MAJ, DoD OGC (XXXX); XXXX. CIV (L); Brownback, Peter E. COL (L)

Subject: United States v. Hicks, Decision of the Presiding Officer, D24
United States v. Hicks

Decision of the Presiding Officer, D24

The Presiding Officer has denied the request for production of Jordan Paust as a witness. The Presiding Officer did not find that he is necessary. See Military Commission Order 1, section 5H. Accordingly, this request has been moved from the active to the inactive section of the filings inventory in accordance with POM 12. See also paragraph 8, POM 12.

By Direction of the Presiding Officer

XXXX

Assistant to the Presiding Officers

XXXX

Voice: XXXX

Fax: XXXX

UNITED STATES OF AMERICA)	
)	
)	DEFENSE MOTION -
)	THE ENTIRE COMMISSION
v.)	TO GRANT PRODUCTION OF
)	WITNESS DENIED IN D 24
)	
DAVID HICKS)	(Jordan Puast)
)	
		29 October 2004

The Defense previously requested that name of witness be produced. The request was denied by the Presiding Officer under the provisions of Military Commission Order 1, section 5H.

The Defense requests the Commission direct the production of the witness, and that the Commission consider the following previously made filings, and the attachments thereto, per the Filings Inventory D24, in making its determination.

- a. Motion by the defense requesting Mr. Paust.
- b. Decision of the Presiding Officer denying the witness.
- c. The government response to D24, if any.

By: _____
M.D. MORI
Major, U.S. Marine Corps